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General Assembly
Fiftieth Session

Official Records

123rd plenary meeting
Monday, 9 September 1996, 3 p.m.
New York

President: Mr. Freitas do Amaral ..... (Portugal)

The meeting was called to order at 3.25 p.m.

Agenda item 120 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (Article 19 of the Charter) (A/50/888/Add.9)

The President: In a letter contained in document A/50/888/Add.9, the Secretary-General informs the President of the General Assembly that, since the issuance of his communications dated 28 February, 6 March, 3, 11, 16, 23 and 25 April, 10 May and 29 August 1996, Guinea, Latvia and Madagascar have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

The President: I wish to inform members that an error has been made in document A/50/888/Add.9. Dominica should not have been included in the list of countries cited.

The correction will be reflected in the final version of document A/50/888/Add.9.

Agenda item 8 (*continued*)

Adoption of the agenda and organization of work

Request for the resumption of the consideration of agenda item 65 (Comprehensive test-ban treaty) submitted by Australia (A/50/1024)

The President: As members are aware, I have contacted the Chairmen of the regional groups regarding my intention to convene today's meeting. In the light of the results of the consultations, the Assembly, this afternoon, will consider the request contained in a letter dated 22 August 1996 from the Permanent Representative of Australia to the United Nations addressed to me, which was circulated in document A/50/1024.

In his letter, the Permanent Representative of Australia asks that the General Assembly meet in plenary session, beginning 9 September, to consider and take action on a comprehensive nuclear test-ban treaty, pursuant to its resolution 50/65 of 12 December 1995. In that resolution, the General Assembly declared its readiness to resume consideration of agenda item 65, as necessary, before its fifty-first session in order to endorse the text of a comprehensive nuclear-test-ban treaty.

May I take it that the General Assembly wishes to resume consideration of agenda item 65, entitled "Comprehensive test-ban treaty"?

It was so decided.

96-86159 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

The President: May I also take it that the General Assembly agrees to proceed immediately to the consideration of agenda item 65 in plenary meeting?

I see no objection. We will then proceed accordingly.

Agenda item 65 (*continued*)

Comprehensive test-ban treaty

Draft resolution (A/50/L.78)

Letter from the Permanent Representative of Australia to the United Nations (A/50/1027)

The President: In connection with agenda item 65, the Assembly has before it a draft resolution issued as document A/50/L.78, which is now being distributed to delegations.

I call on the representative of Australia to introduce draft resolution A/50/L.78.

Mr. Butler (Australia): Eighteen days ago, I wrote to you, Mr. President, asking that arrangements be made for the General Assembly to meet today to resume consideration of item 65 of the agenda of its fiftieth session: "Comprehensive test-ban treaty". I am grateful to you and the Assembly for agreeing to this request.

What is at issue is fulfilment of a promise, a promise made among ourselves and to the international community for over 30 years, a promise we are now able to keep.

Thirty-three years ago the limited test-ban Treaty was done. Twenty-two years ago the threshold test-ban Treaty was done. Today the Assembly has the opportunity to adopt and open for signature a comprehensive nuclear-test-ban treaty (CTBT). This treaty will establish and enshrine, for all time, the obligation that there shall not be

> "any nuclear weapon test explosion or any other nuclear explosion" *(A/50/1027, p.7)*.

The negotiation of this treaty has been neither an easy nor a perfect process. And its arrival at this Assembly, this unique Assembly of States, has, of necessity, taken a particular form. These facts and their meaning need to be clearly understood.

The Charter of the United Nations assigns to the General Assembly the authority and responsibility to consider and make recommendations to Member States on

> "the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments".

In the exercise of this authority, the Assembly has repeatedly and during the last three years unanimously, called for the multilateral negotiation of a comprehensive nuclear-test-ban treaty, and it has reaffirmed that the achievement of a comprehensive nuclear-test ban was

> "one of the highest priority objectives of the international community in the field of disarmament and non-proliferation" *(resolution 50/65, second preambular paragraph)*.

The task of conducting that negotiation was assigned to the Conference on Disarmament in Geneva. That action rested upon very precise legal and political relationships.

The Conference on Disarmament was established by the General Assembly. It is an integral part of the United Nations system. It accepts political guidance from, and reports to, the General Assembly. Its budget is approved by the General Assembly.

In the specific case of a nuclear-test ban, the General Assembly called upon the Conference, also unanimously, to conclude a comprehensive nuclear-test-ban treaty so as to enable its signature by the outset of the fifty-first session of the General Assembly.

The Conference operates in terms of the principle of consensus and agreed negotiating mandates for each of the items on its agenda, when such agreement proves possible.

During the last three years — and I repeat carefully, the years in which the Assembly has unanimously called upon the Conference to conclude its negotiations on a comprehensive nuclear-test-ban treaty — the Conference has worked on the basis of a mandate for its negotiating committee on a CTBT in which it undertook to seek to ensure that the treaty would

> "contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to

the enhancement of international peace and security" *(A/49/27, p. 8, para. 1)*.

Twenty days ago the Conference completed its work on the text of the treaty, but one of its Member States withheld agreement to the treaty text and also to the report of the negotiating committee being forwarded to this Assembly.

I want to place on record our view of this state of affairs.

We utterly respect and defend the right of any State to form its sovereign view and to act on it. That right is basic to the structure of law found in the Charter of the United Nations. Disagreement on matters of substance is irrelevant to the sanctity of that principle. But what we cannot accept is the extension of a national point of view to the point of seeking to prevent others from acting on theirs.

The treaty negotiated in the Conference was agreed to by all others in the Conference. It is wanted, opened for signature, by a substantial number of Member States of the United Nations and, indeed, by other States. It does meet the criteria set forth in the Conference's own mandate, which I cited a few moments ago. It does fulfil the request made to the Conference repeatedly and unanimously by the General Assembly.

The action taken to bring the treaty to this Assembly, notwithstanding the attempt to prevent that from taking place, is consistent with the fundamental relationship between the Assembly and the Conference. Were such action not possible, that is, in response to particular or exceptional circumstances, we would have created a situation where the General Assembly had shed its authority to a less-than-universal body whose establishment it caused, whose charge is to work in terms consistent with the guidance given by the Assembly, and to which it reports. This would be of questionable legality and, clearly, political nonsense.

The key consideration in this instance is what I have just called the "particular or exceptional circumstances". These are what we have faced.

The particular circumstances are that this treaty is overwhelmingly agreed to. It is wanted now. All relevant mandates have been fulfilled, especially that of this Assembly.

The exceptional circumstance is that one Member State has vetoed the transmission of the treaty from the Conference on Disarmament to the General Assembly.

Particular or exceptional circumstances cannot and should not set a precedent, and we insist that these should not.

Without in any way detracting from this essential point, we note that in virtually all past instances, multilateral treaties comparable to CTBT have in fact been submitted to the General Assembly for appropriate action.

We unreservedly reaffirm our support for the work and operating procedures of the Conference on Disarmament.

We are deeply grateful for the work it has so thoroughly done on this occasion and for the treaty it has produced. The efforts of the chair of the Ad Hoc Committee on a Nuclear Test Ban during the last year, Ambassador Jacob Ramaker of the Netherlands, and those of his predecessors in the first two years of the negotiations, are particularly recognized and deeply appreciated.

On the treaty text itself, we recognize that it has been the subject of much give and take. We know that few, if any, would not have preferred it to be different in some respects. But it is the treaty text accepted by so very many States, and not least by all of those — all of those — that have conducted nuclear explosions, with the exception of India.

Major further tasks remain in the field of nuclear disarmament, and they must be pursued. This treaty will clearly facilitate, and not, as is sometimes suggested, hinder that pursuit.

I now turn to the text of the draft resolution, which I have the honour to submit to the Assembly on behalf of its 126 sponsors. In addition to the 121 names that appear on the copy of the text that has been distributed in the Hall, I would ask the Assembly to note the names of Bahrain, Qatar, Sao Tome and Principe, Thailand and Zaire — a total, at present, of 126.

The core of this simple draft resolution is the adoption by the General Assembly of the text of a comprehensive nuclear-test-ban treaty and its opening for

signature at United Nations Headquarters, at the earliest possible date.

The treaty text circulated to the Assembly for this purpose is identical — identical — to that negotiated by the Conference on Disarmament. Any suggestion that it is a merely national text would be wrong.

Adoption of this draft resolution would see the opening for signature of this text just two weeks from now. By this action, the General Assembly would fulfil its expressed determination to do this by the outset of the fifty-first session of the General Assembly.

Given the irreducible value of this action and the detail and balance of the negotiations which have brought us to this point, the sponsors urge adoption of this draft resolution without change. Our task is that of the political conclusion of what has been exhaustively negotiated. We ask for deep reflection upon the milestone in history that this action would lay down: agreement that there shall never again be nuclear explosions.

The sponsors urge all present in this room to support this draft resolution, in favour of all humanity.

Mr. Sha Zukang (China) (*interpretation from Chinese*): Today, the delegations of many countries have gathered at this solemn forum of the United Nations to consider and adopt the comprehensive nuclear-test-ban treaty (CTBT). The event itself is of major historic significance. The international community, and especially the non-nuclear-weapon States, has long aspired to a comprehensive nuclear-test ban. The international community has been striving for this goal for almost 40 years, ever since the first nuclear-test-ban resolution was adopted by the General Assembly. Thanks to the unremitting efforts of the world community, the goal of a comprehensive nuclear-test ban is finally within reach. We are confident that the resumed session of the General Assembly will make the correct decision and turn the dream of a nuclear-test ban into reality.

The Chinese Government has always stood for the complete prohibition and thorough destruction of nuclear weapons, as well as a comprehensive ban on nuclear testing within this framework. On this basis, China responded positively to the reasonable call of the non-nuclear-weapon States and made an unequivocal political decision to participate in the comprehensive test-ban-treaty negotiations in an active, serious and responsible manner. In order to ensure the timely conclusion of the treaty, the Chinese delegation showed flexibility and compromise on almost all its key provisions and made essential contributions to the negotiations.

The CTBT will be the first international legal instrument comprehensively to ban nuclear weapon test explosions or any other nuclear explosions everywhere and in all environments. This will surely facilitate the process of nuclear disarmament and the prevention of nuclear-weapons proliferation, thereby enhancing international peace and security. Needless to say, such a treaty is in the common interest of the entire world community. We hope that the treaty can be opened for signature as soon as possible and will be universally acceded to and implemented.

A nuclear-test ban is not in itself the ultimate objective. It is one step towards the complete prohibition and thorough destruction of nuclear weapons. We hold that the international community should continue to promote nuclear disarmament. Such a process should include urging the major nuclear-weapon States to abandon their policy of nuclear deterrence and drastically further reduce their nuclear stockpiles; encouraging all nuclear-weapon States to undertake not to be the first to use nuclear weapons and not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones; demanding States with nuclear weapons deployed outside their borders to withdraw these weapons; a commitment by all countries to refrain from developing and deploying space-weapon systems or missile-defence systems that would undermine strategic security and stability; and finally, the negotiation and conclusion of an international convention on the complete prohibition and thorough destruction of nuclear weapons.

As for the CTBT text, China frankly, is not entirely satisfied. First, the treaty makes no reference to the objective of concluding an international legal instrument on non-first-use and non-threat of use of nuclear weapons, nor to the conclusion of an international convention on the complete prohibition and thorough destruction of these weapons. Secondly, on the issue of a triggering basis for on-site inspections, it fails to draw the necessary distinctions between the data and information from the international monitoring system and those from national technical means of verification. Thirdly, the decision-making procedure for on-site inspections was not formulated in the manner required for substantive matters. Fourthly, it is not proper to include the so-called "financial contribution" to the treaty organization as one of the criteria for membership of the Executive Council.

Despite these shortcomings, however, the treaty text largely and objectively reflects the course of the negotiations over the past two and a half years and is therefore generally balanced. China supports the treaty text as contained in document A/50/1027 and the adoption by the General Assembly of the draft resolution in A/50/L.78.

Meanwhile, the Chinese delegation regrets the fact that the Conference on Disarmament was not able to reach a consensus on the CTBT text. The current practice of by-passing the Conference on Disarmament and directly transmitting the treaty text to the General Assembly should not set a precedent and should not affect in any way the decision procedure of the Conference on Disarmament.

Mr. Relang (Marshall Islands): I have the honour to make this statement on behalf of the Chairman of the South Pacific Forum, President Amata Kabua of the Republic of the Marshall Islands. As a cosponsor of the draft resolution before us, the Marshall Islands has, like so many other concerned countries, decided that this Assembly must take action in accordance with the pledge contained in our resolution 50/65 of 12 December 1995. That is why we support the text contained in document A/50/1027 as the text for a comprehensive nuclear-test-ban treaty; this text should, in our view, go forward.

Like many other countries, the Marshall Islands has specific concerns, which, as a non-member of the Conference on Disarmament, we have not been able to pursue there. But we are willing to refrain from suggesting amendments and we hope that others will show flexibility. This position has been affirmed by the Heads of State and Government of the member States of the South Pacific Forum, who met in Majuro, Marshall Islands last week. We are pleased to see that all the Forum members of the United Nations have also become cosponsors.

Last year is characterized in our minds as a very difficult time for the peoples of the Pacific Islands. In spite of our ardent appeals, a number of nuclear devices were exploded in our region. We are still concerned with the environmental impact that these explosions have had or may have in the future. In this regard, we are eagerly awaiting the results of the preliminary study that is being undertaken in French Polynesia this summer.

But the outcome of allowing the tests is now clear. At the expense of our peoples and the pristine environment of the Pacific, through our involuntary sacrifice, the international community has attained the compliance of the five acknowledged nuclear-weapon States never to test these weapons again.

We have hoped that our painful sacrifice would be seen as an example to others that we should speed up the process of nuclear disarmament. It is our firm conviction that the most effective way to end nuclear testing is through the conclusion of a universal and internationally and effectively verifiable comprehensive test-ban treaty (CTBT). The early conclusion and entry into force of a CTBT is vital to the well-being of present and future generations of the entire international community. The cessation of all nuclear tests, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of weapons, constitutes an effective measure of disarmament and non-proliferation in all its aspects. Accordingly, we support the opening for signature of a CTBT at the United Nations, regardless of whether this can be achieved by consensus. Furthermore, it is important that countries that were severely affected by nuclear testing play a role in the 51-member Executive Council being envisaged under the CTBT framework to oversee all aspects of the implementation of the Treaty. In this regard, I wish to announce that the Marshall Islands stands ready to present its candidacy for that Council, once established.

We should recall the Advisory Opinion tendered by the International Court of Justice on the legality of the threat or use of nuclear weapons and declare that all members of the international community should consider themselves bound by the obligation, expressly recognized by the Court, to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. Marshall Islands is strongly of the view that total nuclear disarmament must occur as soon as possible and that the obligation recognized by the Court extends to the conclusion and entry-into-force of a CTBT as well as to the signature and ratification by all nuclear-weapon States, not only the declared but also the undeclared, of the South Pacific Nuclear-Free Zone Treaty.

As I alluded to earlier, the Pacific region has been the scene of extensive nuclear-weapons testing and radiation has entered the environment and atmosphere shared by all the countries in our region. Marshall Islands has suffered extensive radiation contamination, which has adversely affected the quality of health of the people and the environment with its continuing legacy of illness, deformity, death and exile. All these man-made effects

are contrary to all humanitarian principles and indeed to the Charter of this Organization and its various organs.

The international community should pursue the entry-into-force of the CTBT to ensure that the terrible tragedy of nuclear testing will never again be visited upon the people of the world. Indigenous peoples have suffered disproportionately as a result of nuclear-weapons testing in the Pacific region and therefore have a special interest in the cessation of all testing and in redress for all health and environmental loss and damage resulting from such testing. Global cooperation will be necessary to ensure that nuclear testing no longer threatens the lives and livelihoods of present and future generations.

The call for a total ban of nuclear tests does not diminish the urgency of addressing conclusively the persistent health and environmental effects of past tests. My delegation wishes to reiterate the view reflected in the report of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that there is a special responsibility towards those peoples of the former Trust Territories that have been adversely affected as a result of nuclear-weapons tests conducted during the period of the trusteeship. This responsibility includes the safe resettlement of displaced populations and the restoration of affected areas to economic productivity. We have to renew the call to all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to give appropriate assistance for remedial purposes when requested by affected countries.

The Government of the Marshall Islands has recently learned that the damage caused by the tests in the Marshall Islands is far greater than that originally disclosed by the responsible party. It may be the case that half of our population has been affected in some way. The costs at our current level of knowledge make it very hard properly to treat and care for the people who have radiation-related illnesses. We are grateful to the Clinton Administration for its progressive disclosure of previously classified information and we wish to see our cooperation continue. My delegation wishes to express profound disappointment that the responsible party has not yet fully redressed, in accordance with its full responsibility, all health and environmental consequences resulting from the effects of radiation released by all 67 weapons detonated in the air, on the shores and in the lagoons of the Marshall Islands. We have appealed on countless occasions for action to be taken, but our requests have not been addressed fully up until now. Immediate and decisive steps need to be taken by that responsible party to redress fully all medical, environmental, social, economic and other loss and damage resulting from its nuclear-weapons-testing programme.

We base our position on this question upon the view that our peoples have sacrificed enough and that the reward must be a total ban on testing nuclear weapons. It was partly at our expense that these nuclear Powers rose to their current level of expertise, if one can call it that. We feel that we are now entitled to demand that a final end be made to the madness of the nuclear race and the irresponsible testing of these weapons. We are moving into a time of unprecedented cooperation in all fields and between all peoples. The CTBT must be finalized as a major step towards confidence building and as an immediate safeguard against proliferation. We implore those that seek to hold up this process for technical or even substantial reasons to take another close look at the treaty before us. If a sovereign State feels that it cannot sign this treaty, then it is its right not to do so. All we can do is try to show, by way of example, what we feel is the right thing to do. We hope that this process will not be blocked and that the greater interest of solidarity between all peoples shall prevail.

The President: Before calling on the next speaker, I should like to propose, if there is no objection, that the list of speakers in the debate on this item be closed today at 5 p.m.

It was so decided.

The President: I therefore request those representatives wishing to participate in the debate to inscribe their names on the list as soon as possible.

Mr. Campbell (Ireland): I have the honour to speak on behalf of the European Union.

The following associated countries — Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, the Slovak Republic and Slovenia — align themselves with this statement. Iceland, Liechtenstein and Norway have also aligned themselves with this statement.

The draft resolution just introduced by the Permanent Representative of Australia and which all the member States of the European Union and those States associated with this statement have co-sponsored represents the international community's determination to

bring to completion one of the most sought-after non-proliferation and disarmament measures in the history of this Organization. This treaty offers a historic opportunity to have an instrument that bans all nuclear-test explosions for all time.

The question of the halting of nuclear testing has long been a major preoccupation of this Assembly and of the work of the Conference on Disarmament. In 1994, the General Assembly put aside earlier differences and unanimously mandated the Conference on Disarmament to negotiate a multilateral nuclear-test-ban treaty, to the conclusion of which all parties to the negotiation declared their commitment.

The treaty we have before us today in document A/50/1027 represents the outcome of those negotiations. Earlier in this session of the General Assembly, the Member States of the United Nations, by resolution 50/65, adopted without a vote on 12 December 1995, decided that a draft treaty should be completed in time for presentation to this fiftieth session of the United Nations General Assembly.

This text constitutes a treaty by which the international community represented in the United Nations can commit itself to the cessation of all nuclear-weapon-test explosions and all other nuclear explosions, and contains a verification mechanism that can adequately provide the international community with the assurances that no such future explosions are taking place.

For the European Union, this treaty represents a concrete measure in the spirit of article VI of the Non-Proliferation Treaty and as envisaged by the document on Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted at the 1995 Review and Extension Conference of the Parties to that Treaty. It follows from our commitment to the ultimate goal of the elimination of nuclear weapons and of general and complete disarmament under strict and effective international control. And we believe that the moment must now be taken to adopt this treaty which the United Nations has unremittingly sought to achieve. The treaty, concluded after long and arduous negotiations, represents the compromises characteristic of any multilateral instrument of this importance. It contains all essential provisions to ensure that this comprehensive test-ban treaty (CTBT) achieves precisely those objectives that its title calls for.

While the European Union regrets that the Conference on Disarmament was not in a position to transmit the text of the treaty to the General Assembly, it is resolved to ensure that this will not diminish or impair the role of the Conference as the principal negotiating forum in the field of disarmament. In consequence, we do not view the approach taken in the adoption of this resolution as establishing a precedent.

The CTBT is not the end of the process. There is a need for further systematic and progressive efforts towards nuclear disarmament and non-proliferation. This Assembly has consistently stat d that a CTBT was the next essential step in any process of nuclear disarmament and non-proliferation. Now, at the moment of truth, this treaty must be given its due place in that process.

In resolution 50/65 the United Nations General Assembly set itself the task of adopting the CTBT at this session. The draft resolution submitted to us today by the Permanent Representative of Australia and sponsored now by 126 Member States allows the General Assembly to adopt the treaty, enables the Secretary-General as Depositary to open the treaty for signature at the beginning of the fifty-first session of the General Assembly, and paves the way for the CTBT to be brought into force.

The European Union therefore calls on all Member States of the United Nations to adopt this draft resolution as presented in document A/50/L.78, which is before this Assembly, and, by so doing, enable the opening for signature of the draft treaty as contained in document A/50/1027, one of the most important multilateral nuclear non-proliferation and disarmament measures concluded by the international community to date.

A comprehensive test-ban treaty — the long-sought goal of our Member States and peoples — is now within our grasp. We must seize this moment to make it a reality.

Mr. Bune (Fiji): Fiji is honoured and privileged to co-sponsor draft resolution A/50/L.78, which has just been introduced by the Ambassador of Australia and which is before this Assembly, calling for the adoption, *inter alia*, of a comprehensive nuclear-test-ban treaty as contained in document A/50/1027 — committed and dedicated as we are to a nuclear-free South Pacific in a nuclear-free world and to secure and lasting peace on Earth.

Fiji and the other States in the South Pacific region have constantly, consistently and strongly opposed nuclear

testing in our part of the world. Our collective protests and actions over the years led to the establishment of the South Pacific Nuclear-Free-Zone Treaty, under which nuclear States, among other things, would refrain from stationing nuclear weapons in the region and from testing nuclear devices in the region.

It is our contention that nuclear testing in the South Pacific has affected the health of all people in the region, has affected wildlife and the environment, and will continue to do so for generations to come.

Global nuclear testing can also have similar disastrous effects globally. The time has come when nuclear testing on our planet should be banned totally and eternally.

But of course the threat to life and the environment is but one dimension of the multidimensional nuclear issue. The whole purpose of testing nuclear weapons is to either ensure their effectiveness in mass destruction or make them more effective, to produce more nuclear weapons, and to stockpile more nuclear weapons.

The nightmare of a possible nuclear holocaust has led to extreme concern in our world and to concerted action on the part of many to create a nuclear-free world. The United Nations Organization, of which we are a Member, has been in the vanguard of international efforts to create a nuclear-free world. Over 35 years, this Assembly has adopted a plethora of resolutions on the prohibition of the use of nuclear weapons. The latest effort has been the Conference on Disarmament, which concluded in Geneva recently without a consensus being reached on allowing a draft comprehensive test-ban treaty to go forward for endorsement by the United Nations General Assembly at its fifty-first session.

It was with dismay and sadness that we learned that the negative posture of a few countries in Geneva stemmed the tide — represented by the vast majority of countries attending the Conference on Disarmament — for agreeing to the text of the comprehensive test-ban treaty (CTBT).

The draft CTBT text represented a major and historic achievement by the international community. It involved more than two and a half years of intensive negotiations and embodied many commitments and compromises. What is more, the draft text attracted the support of all five nuclear-weapon States, as well as of an impressive group of non-nuclear-weapon States.

Fiji's fervent hopes, the fervent hopes of all nation States committed to a nuclear-test-ban treaty, nuclear non-proliferation and a nuclear-free world, and the fervent hopes of all peace-loving nations in our world for agreement on the text of the draft comprehensive nuclear-test-ban treaty were dashed to the ground as a result of the failure of the Geneva meeting.

Fiji believes that the sad events in Geneva represented a very serious setback for global efforts to advance our ultimate vision of nuclear disarmament, nuclear non-proliferation and a nuclear-free world.

Fiji will not allow the failure in Geneva to stifle our efforts to conclude a CTBT. The nations of the world that are committed to secure and lasting peace cannot allow the failure in Geneva to stifle the efforts to conclude a CTBT. We must act where the Geneva Conference failed. We must continue the process set in motion by the Conference on Disarmament. What better forum is there to do so than at this resumed fiftieth session of the United Nations General Assembly?

Fiji urges all the Member States of this international Organization represented here today to support the draft resolution contained in document A/50/L.78. Fiji will be among the first States to ratify and sign the comprehensive test-ban treaty.

The adoption of the comprehensive test-ban treaty, in the words of the late United States President John Fitzgerald Kennedy, is not a victory for one side or the other; it is a victory for all mankind.

Mr. Amorim (Brazil) (*interpretation from Spanish*): I have the honour to address this plenary meeting of the General Assembly on behalf of the members of the Southern Cone Common Market — Argentina, Paraguay, Uruguay and Brazil — and of Bolivia and Chile, in order to express the support of our Governments for the draft resolution under consideration, which aims at the adoption of the comprehensive nuclear-test-ban treaty (CTBT) by the General Assembly. As co-sponsors of the draft resolution, we are pleased to note that it has commanded significant and widespread support.

We are encouraged by the new opportunities for progress in the field of non-proliferation and disarmament, especially nuclear disarmament, opened after the end of the cold war. The CTBT is a long sought objective of the international community. Members of

nuclear-weapon-free zones, in particular, assign particular importance to it.

The complete cessation of nuclear tests forever is in itself a great achievement. It should lead to new and decisive measures towards nuclear disarmament, paving the way to a world free of nuclear weapons.

During the negotiation of the nuclear-test-ban treaty at the Conference on Disarmament, the overwhelming majority of countries expressed support for the conclusion of that treaty. While the draft resolution before the General Assembly may not address all concerns, it does encompass the unprecedented commitment to stop nuclear explosions forever.

We stress the primary responsibility of the nuclear-weapon States in this regard. A firm commitment on their part to the definitive cessation of nuclear tests, as well as to nuclear disarmament, will serve the interests of the international community and help the cause of disarmament and non-proliferation in all their aspects. In pursuit of these objectives, we should take advantage of this singular opportunity and adopt the CTBT now.

Mr. Razali (Malaysia): Despite the exclusivity of the membership of the Conference on Disarmament, which Malaysia strongly protests, Malaysia views the Conference as the competent multilateral negotiating forum on disarmament matters.

Accordingly, we had expected that the Conference on Disarmament would have endeavoured to resolve all outstanding obstacles pertaining to the comprehensive test-ban treaty (CTBT). Instead, we are now faced with the unusual procedure whereby a member State of the Conference is submitting for adoption by the General Assembly at this resumed session, on behalf of a number of countries, the draft text of a treaty that was not unanimously adopted by the Conference. We are concerned that such an approach might undermine the competence of the Conference on Disarmament, a specialized body.

Malaysia regrets that, in spite of two and a half years of intensive negotiations, the Conference on Disarmament was not able to reach a consensus on the draft treaty. This reveals a lack of political will and an inability to forge a compromise among the negotiating parties concerned, in spite of their professed common goal of nuclear disarmament. Malaysia had hoped that every effort would have been made to accommodate the concerns of every member of the Conference and to arrive at a compromise text acceptable to, or at the very least acquiesced to by all Conference members, so as to ensure its acceptance by all States, in the interest of the universality of the treaty.

Malaysia regrets that the legitimate concerns of many States members of the Conference on Disarmament, many of which Malaysia shares, have not been given the serious consideration they deserve. Rather than being dismissed out of hand, they should have been addressed and dealt with. That this did not take place strikes a discordant note and casts an unfortunate pall on the CTBT process.

With regard to the draft treaty presented to this Assembly today, Malaysia finds the text essentially flawed. It is deficient in scope and falls short of our expectations, as well as those of many countries. It does not place itself within the overall process of nuclear disarmament. The preamble of the draft treaty should have been formulated in more robust and positive language, reaffirming in clear and unambiguous language the commitment of States to the total elimination of nuclear weapons within a time-frame. Instead, it is couched in language which is feeble and uninspiring, perhaps deliberately so, in order to cater to the interests of only one group of States — the nuclear-weapon States. The preamble of the draft treaty would have been the appropriate place for a reaffirmation of the aforementioned commitment, which clearly ought to be one of the principal purposes of the treaty.

The fact that the attempts of many non-nuclear-weapon States to incorporate that commitment into the preamble were effectively blocked by the nuclear-weapon States raises questions about the latter's attitudes and intentions, particularly as to the seriousness of their commitments to nuclear disarmament. It gives rise to the impression, not unreasonable, that the nuclear-weapon States desire nothing more than the preservation of the status quo, whereby they would maintain their exclusive monopoly of nuclear weaponry, while making every effort to block others from acquiring them on the grounds of preventing horizontal nuclear proliferation.

Many non-nuclear-weapon States shared that suspicion when the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was extended indefinitely last year. It was for this reason that Malaysia was strongly against the indefinite extension of the NPT.

The position of the nuclear-weapon States on the CTBT serves only to reinforce the impression that the

club of nuclear-weapon States is arrogating to itself the rights and privileges of permanent possession of nuclear weapons to use as an apparatus of absolute power, while denying others the same sovereign rights and privileges that it claims for itself.

The CTBT should be seen as a step, albeit a very important one, towards the attainment of genuine nuclear disarmament ushering in a world that will be completely free of nuclear weapons. That ultimate goal ought to be predicated on the non-proliferation of nuclear weapons not only horizontally, but also vertically. If the NPT is seen as an essential instrumentality to achieving horizontal nuclear non-proliferation, then the CTBT is the process by which vertical proliferation will be curbed. Yet when, under tremendous pressure, the non-nuclear-weapon States Parties to the NPT went along reluctantly with the Treaty's indefinite extension, there was no reciprocal spirit of accommodation on the part of the nuclear Powers with respect to the CTBT.

It is not without reason that many non-nuclear-weapon States view with cynicism the so-called "good-faith" undertaking of the nuclear-weapon States to continue negotiations on nuclear disarmament, as enjoined by the NPT. With an indefinitely extended NPT already in hand and a CTBT favourable to the nuclear-weapon States now in the offing, there is a very clear impression that the club of nuclear countries is manipulating the entire nuclear disarmament process to serve its own agenda. The draft text as currently presented renders the test-ban treaty less than comprehensive, as it keeps the door open for other forms of testing, including laboratory testing and simulations, which will not put a complete halt to the qualitative improvement of nuclear weapons but merely circumscribe it through testing by other, technically more sophisticated means.

Malaysia also shares the concerns of many non-nuclear-weapon States about other deficiencies of the draft treaty, notably article XIV pertaining to the entry-into-force provisions of the treaty. In the view of my delegation, this is a major, perhaps fatal flaw of the draft treaty which, far from strengthening the treaty, will only serve to weaken or, indeed, render it legally inoperative. This article makes entry into force conditional on ratification by each and every one of the 44 States listed in Annex 2 of the treaty. This article, in our view, is an entirely unrealistic and short-sighted provision for the simple reason that it will allow a State that is unhappy with the treaty to block its entry into force. By giving that State what amounts to a veto power, it will prevent the treaty from becoming fully operative in the future. Could it be that the stubborn insistence on this provision by those concerned is designed to ensure that the treaty will never actually come into force? This may appear to be an unfair and cynical imputation of the motives of the States concerned, but, in the face of such an unrealistic provision in this article, the question bears asking.

At the same time, another provision of the said article could create an unnecessarily contentious situation in which one negotiating member State of the Conference on Disarmament might interpret or misinterpret — whatever the case may be — the said provision to imply the use of threats against it in an effort to secure its ratification of the treaty. This provision creates an unnecessary legal and political encumbrance to the treaty which further complicates rather than facilitates the process of consensus-building among the members of the Conference on Disarmament.

However, despite the imperfections referred to above, Malaysia can neither understand nor support those countries that are staying out of the treaty, using these imperfections as an excuse to promote their nuclear aspirations. In the final analysis, these countries must, like the nuclear-weapon States, be made to understand the international disapproval of their policy or inclination to promote their national agendas through the doctrine of nuclear deterrence.

Notwithstanding its reservations on the weaknesses and deficiencies of the draft Treaty, Malaysia would not want to be part of any effort that would further undermine or inflict a fatal blow to the treaty. Flawed as the draft treaty is, Malaysia would join others in supporting the draft resolution before us so that the draft treaty can be accepted by an overwhelming majority of this Assembly. Malaysia does so in the belief that this treaty, however imperfect, could serve as an essential instrument in stopping or at least inhibiting nuclear testing as we know it, which in itself is an important goal to be attained. The treaty would provide a much-needed impetus towards more serious efforts in nuclear disarmament, which the international community should rededicate itself vigorously to pursuing now and in the future. In our view, the treaty, along with other positive achievements in the nuclear disarmament process, such as the Advisory Opinion of the International Court of Justice, which the General Assembly ought to welcome at its fifty-first session, could be important foundation stones upon which to build a strong and permanent edifice for the total elimination of nuclear weapons.

We trust that the nuclear-weapon States will take into account the strongly-felt views expressed by the non-nuclear-weapon States in this Assembly and undertake to engage in serious and renewed efforts in the fulfilment of their legally-binding treaty obligations, particularly under Article VI of the NPT, which obligations the International Court's Advisory Opinion recently pronounced to be important for them to fulfil. We would urge them seriously to consider the proposed programme of action for the elimination of nuclear weapons jointly submitted by 28 non-aligned and neutral countries members of the Conference on Disarmament on 7 August, 1995, which Malaysia strongly supports.

We earnestly hope that all States — including those that might stay out of the treaty, which we hope would be a temporary measure — will strive to ensure the early ratification of the CTBT. Indeed, Malaysia would urge the country or countries staying out of this treaty soberly to rethink their position and would remind them of their responsibility not to precipitate a nuclear arms race between them, which might well unravel this treaty. We would urge them to abandon the path of nuclear armament and instead join the international community in the efforts to construct a new structure of global security through the phased reduction of existing nuclear weapons, leading ultimately to their total elimination.

Mr. De Icaza (Mexico) (*interpretation from Spanish*): Mexico participated actively and constructively in the negotiations in the Conference on Disarmament to draft a comprehensive nuclear test-ban treaty that would be universal in scope and multilaterally verifiable and would contribute effectively to the process of nuclear disarmament and to preventing the qualitative, quantitative and horizontal proliferation of nuclear weapons.

It took us two and a half years to achieve a draft that, owing to differences regarding the purpose and objective of the treaty, did not receive the unanimous support of all negotiating delegations. To the very last, Mexico pursued efforts to arrive at solutions that would meet the pending legal and political concerns in order to give the treaty the universality that its subject matter deserved. Unfortunately, we did not meet with the hoped-for flexibility and are now called upon to speak on a text that does not incorporate each and every feature to which the international community aspired, as expressed in the mandate of the Conference on Disarmament, though it does at least extend to all spheres, including the subterranean, the ban on any nuclear weapon test explosion or any other nuclear explosion. Naturally, we would have preferred a complete ban on all kinds of tests on nuclear weapons. We understand that such a ban would have been difficult, if not impossible, to verify.

We trust in the good faith of the States that possess those arms and of those who are in a legal and technical position to conduct tests. They will undoubtedly respect the purpose of the treaty, which is and could be no other than to put a definitive end to the qualitative refinement of nuclear weapons and to the development of new, advanced types of such weapons. Continuing to test nuclear weapons by means other than nuclear explosions would run counter to the spirit of the treaty and would cancel out its contribution to non-proliferation.

The Government of Mexico understands, as the International Court of Justice affirmed on 8 July 1996, that all States are obligated in good faith to pursue and conclude negotiations with a view to nuclear disarmament in all its aspects, under strict and effective control. We reaffirm, as the General Assembly declared in its first special session devoted to disarmament in 1978, that

> "the cessation of nuclear-weapon testing by all States within the framework of an effective nuclear disarmament process would be in the interest of mankind." *(A/S-10/4, para. 51)*

Accordingly, on 8 August 1996, Mexico, along with 27 other delegations, submitted to the Conference on Disarmament a programme of action for the elimination of nuclear weapons in three phases, with a view to consolidating by the year 2020 a world free of those weapons, whose mere existence constitutes a danger to peace and a threat to humanity.

It is our understanding that the adoption and signature of the draft comprehensive nuclear-test-ban treaty (CTBT) are indispensable to reversing the arms race. These initial steps would facilitate the institutionalization of negotiations with a view to achieving a broad, phased programme with agreed time-tables for the gradual reduction of nuclear weapons and their delivery systems, leading to their complete and definitive elimination as soon as possible.

The draft resolution before us makes the entry into force of the treaty subject to the ratification of the 44 States listed in Annex 2 and does not contemplate any mechanism whereby those States ratifying the treaty could decide to place themselves under its force prior to all 44 States having ratified it. Accordingly, the full entry into

force of the treaty will fall hostage to the will of any of those 44 States, to the detriment of the need to establish, as soon as possible, a legally binding prohibition on the conduct of explosive nuclear-arms tests.

Nevertheless, the Government of Mexico believes that the mere approval of the draft treaty, and especially its signing, will contribute to delegitimizing nuclear weapons and to strengthening *opinio juris* with regard to the obligation to eliminate them, and will inhibit the suspension of testing moratoriums that have been declared by the five nuclear-weapons States. For these reasons, Mexico will vote in favour of the draft treaty and will sign it.

Mr. Jele (South Africa): My delegation welcomes this debate on the comprehensive test-ban treaty, as it affords us the opportunity to address an issue of utmost importance to the international community.

When the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) adopted the Principles and Objectives for Nuclear Non-Proliferation and Disarmament and the Parties to the Treaty set 1996 as the deadline for the conclusion of the comprehensive nuclear-test-ban treaty (CTBT), there were many sceptics who believed that the aims of that Conference would never be attained. But those sceptics had not reckoned with the determination of Member States to realize the tasks they had set themselves.

By its resolution 50/65 of 1995 on a comprehensive nuclear-test-ban treaty, this body underlined the importance of this matter and called upon the Conference on Disarmament to

> "conclude, as a task of the highest priority, a universal and multilaterally ... verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament ... in all its aspects so as to enable its signature by the outset of the fifty-first session of the General Assembly." *(resolution 50/65, para. 2)*

The adoption of the CTBT at this session will therefore represent one of the most important decisions taken by the international community on the issue of disarmament.

South Africa regards the CTBT as an essential instrument for nuclear disarmament and non-proliferation. On 6 August 1996, President Mandela announced that, following the adoption of the draft comprehensive nuclear-test-ban treaty text through multilateral negotiations, South Africa intended to sign the treaty at the earliest opportunity. He also urged all other States to show maximum flexibility, accommodation and compromise and to give their prompt support to the treaty.

We believe that the CTBT will not only establish an internationally legally-binding obligation on the States which sign and ratify it, but that the treaty will also establish a norm in international law from which no State will be able to escape. The treaty's effect will therefore be to achieve the goals which have for so long been set for it: the end of nuclear-test explosions and the inhibition of the proliferation of nuclear weapons, both vertically and horizontally.

It also forms an integral part of the process leading to the full implementation of the obligations in Article VI of the NPT and the fulfilment of the Principles and Objectives for Nuclear Non-Proliferation and Disarmament agreed at the 1995 Review and Extension Conference.

The scope for the achievement of our objectives has been further broadened and reinforced by the Advisory Opinion of the International Court of Justice on the legality of the use or threat of the use of nuclear weapons, which unanimously recognized the obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects, under strict and effective international control.

South Africa's commitment to nuclear disarmament has been demonstrated by our accession to the Treaty on the Non-Proliferation of Nuclear Weapons, our signing of the Treaty of Pelindaba on the establishment of the African Nuclear-Weapon-Free Zone and by our readiness to engage in joint efforts with like minded States to expand the area of nuclear-weapon-free zones to include the southern hemisphere.

It is South Africa's view that our endeavours would have been in vain if this draft resolution had failed to serve as a spur on Member States vigorously to undertake measures designed to accelerate the process of nuclear disarmament.

In this regard, my Government has declared its readiness to work for the commencement next year of negotiations in the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons.

South Africa also supports and will work for the establishment of an ad hoc committee on nuclear disarmament, as we believe that the existence of such a committee would provide the necessary forum for identifying and negotiating ways and means of achieving our cherished goal: a world free of nuclear weapons.

It is evident from the large number of sponsors and supporters of this draft resolution that the international community wishes to adopt the comprehensive test-ban treaty. While we recognize the sovereign right of Member States to adopt a position on the basis of their own national interests, this body must, however, ensure that the will of the overwhelming majority of States that seek peace through disarmament is upheld.

South Africa therefore supports the draft resolution that is before us.

Mr. Shah (India): This Assembly is well aware of the various initiatives taken by India in its consistent and vigorous striving to achieve global nuclear disarmament, which has been a major objective of our foreign policy. India, in 1954, was the first country to call not only for a standstill agreement on all nuclear testing but also for a convention to ban the use of nuclear weapons and a comprehensive action plan to achieve a world free of nuclear weapons.

These efforts have stemmed from our firm belief that global security can lie only in the total elimination of nuclear weapons and all weapons of mass destruction. No country can feel secure as long as thousands of nuclear warheads, capable of the mindless destruction of human civilization many times over, are retained by a handful of countries and this is sought to be justified by the disingenuous assertion that deterrence provides security for those States, while ignoring the security requirements of other States.

We have seen that partial measures that have not been part of an overall step-by-step process have been notoriously unsuccessful, unless their real purpose was only to strengthen the nuclear hegemony and not, in fact, to contribute to nuclear disarmament. As long as these weapons of mass destruction remain with their awesome potential and global reach, no man, woman or child can feel safe. India's commitment to the elimination of nuclear weapons therefore stems as much from a position of principle as from a clear perception of its own security.

India's policy on the comprehensive test-ban treaty (CTBT) stems from this fundamental view of global nuclear disarmament — that only the total elimination of nuclear weapons will enhance the security of India, of all people and of all nations. We have always believed that a CTBT should be a first definitive and irreversible step on the road to nuclear disarmament. The CTBT that we sought was meant to ensure an end to the further qualitative development, upgrading or improvement of nuclear weapons, and should have signalled a sea change in the perceptions of the nuclear-weapon States that have sought to retain nuclear weapons for the last half-century.

It was this consideration that led India to co-sponsor the 1993 General Assembly resolution that announced the start of negotiations on a CTBT in the Conference on Disarmament. It was the same belief that formed the basis of the negotiating mandate in the Conference on Disarmament, in which the Conference was asked to

> "negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security" *(A/49/27, p. 8, para. 1)*.

It is important also to recall that while the negotiations on the CTBT were taking place, the Heads of State or Government of non-aligned countries emphasized that the CTBT, to be meaningful in the context of a disarmament treaty, must be considered an important step in the process leading to the complete elimination of all nuclear weapons within a specific time-frame. The Heads of State or Government also supported the total elimination of all nuclear testing without exception and emphasized that any activity relating to further research and development on nuclear arsenals, or their production, would run contrary to the spirit of the CTBT.

The fiftieth session of the United Nations General Assembly has been called to resume consideration of agenda item 65, "Comprehensive test-ban treaty". We are of the view that the General Assembly should consider the CTBT in its essential perspective — the perspective of nuclear disarmament and progress towards the common objective of a nuclear-weapon-free world. We are deeply concerned that the resumed session is being asked to consider a text that disguises the ineluctable fact that it is

a text on which the negotiating body was unable to reach consensus; it was not even forwarded by the Ad Hoc Committee on a Nuclear Test Ban to the plenary of the Conference on Disarmament. This procedure erodes the standing of the Conference an Disarmament. Treaties are made through voluntary agreements and the legitimate exercise of sovereign choice, and not by procedural manoeuvres or political persuasion.

Not all the delegations present in this Assembly were present in the Conference on Disarmament. Those that were present will know, and those that were not present need to be aware, of the context in which these negotiations took place. In January 1993, India had called for the establishment of an ad hoc committee on nuclear disarmament in the Conference on Disarmament. Later that year India co-sponsored the United Nations resolution on the CTBT and, while participating actively in the negotiations, continued to press for the establishment of the ad hoc committee on nuclear disarmament. Following the call given in Cartagena by the Heads of State or Government of the Non-Aligned Movement and General Assembly resolution 50/70 P, which was supported by 106 countries, the non-aligned and like-minded States continued to strive for the establishment of an ad hoc committee in the Conference on Disarmament to commence negotiations on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons within a time-bound framework, but these appeals were turned down.

While the CTBT negotiations were in progress, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was indefinitely extended, whereby the nuclear-weapon States, contrary to their obligations to give up nuclear weapons, sought instead to wrest the right to retain them in perpetuity. Having achieved the indefinite extension of the NPT, these countries then argued before the International Court of Justice that not only had the retention of nuclear weapons been legalized by the NPT, but so had their use. Immediately after the Review Conference, which, as we know, failed to agree on a review, particularly on the implementation of article VI of the NPT, some nuclear-weapon States continued their explosive tests. We had at that time stated that these tests would inevitably affect adversely the negotiations on the CTBT. Clearly the nuclear-weapon States have no intention of giving up their dependence on nuclear weapons, nor do they have any intention of letting the CTBT become an impediment to their pursuit of the qualitative improvement of nuclear weapons. These events outside and within the Conference on Disarmament found their immediate reflection in the negotiations.

Those who were party to the negotiations will recall the clear refusal of the nuclear-weapon States to accept any treaty language which spelled a definite end to the qualitative development of their nuclear weapons. In such circumstances, it was not surprising that the negotiations were skewed and that the text which emerged, far from being the intended historic step towards a nuclear-weapon-free world, will only succeed in perpetuating a discriminatory status quo.

India participated constructively but with increasing concern in the CTBT negotiations. Our concerns regarding the direction in which the negotiations were proceeding were expressed in this very Assembly last year when we pointed out:

> "We are glad that negotiations are in progress, but we also note that nuclear-weapon States agreed to a comprehensive test-ban treaty only after acquiring the know-how to develop and refine their arsenals without the need for tests. In our view, the comprehensive test-ban treaty must be an integral step in the process of nuclear disarmament. Developing new warheads or refining existing ones after a comprehensive test-ban treaty is in place, using innovative technologies, would be as contrary to the spirit of the comprehensive test-ban treaty as the NPT is to the spirit of non-proliferation. The comprehensive test-ban treaty must contain a commitment binding on the international community, especially the nuclear-weapon States, to take further measures within an agreed time-frame towards the creation of a nuclear weapon free world." *(Official Records of the General Assembly, Fiftieth Session, Plenary Meetings, 12th meeting, p. 16)*

In Geneva, we tried through intensive engagement in the negotiations to correct the shortcomings of the evolving text and submitted proposals in writing and verbally. The intention of our proposals was first to place the CTBT firmly in the disarmament context by including in it a commitment to eliminate nuclear weapons within a time-bound framework. The disregard with which preambular references have been treated in other disarmament treaties convinced us that such a commitment would be meaningful only if it were contained in the operative part of the CTBT. It was clear to us that, although a specific time-frame for the elimination of nuclear weapons would require detailed consideration, a commitment would at least act as a catalyst for multilateral negotiations on the elimination of nuclear weapons within a reasonable span of time. Such

a commitment would also have shown to the international community that the nuclear-weapon States were actually committed to this objective and not wedded to retaining these weapons indefinitely.

The second thrust of our approach was to ensure that the CTBT became what it was intended to be: a watershed in the development of nuclear weapons. When India first proposed the standstill agreement in 1954, explosive technology was the only one being employed for nuclear tests. We are all now aware that today it is only one of the technologies available to nuclear-weapon States. Technologies relating to sub-critical testing — advanced computer simulation using extensive data from previous explosive testing and weapons-related applications of laser ignition — can open the way to fourth-generation nuclear weapons even without explosive testing. To be relevant today and to achieve its intended purpose, the CTBT should have banned not only test explosions but all nuclear tests which could lead to the development and upgrading of nuclear weapons.

These were not unreasonable proposals. They were proposals based on the necessity of making the treaty truly comprehensive and of ensuring that it led to the elimination of these weapons of mass destruction from our planet, an objective to which an overwhelming majority of nation States is committed. Yet, these proposals were disregarded in the negotiations by the nuclear-weapon States. There was little or no effort to engage India in addressing these concerns. Instead, a text was produced by the Chairman of the negotiating group, under an artificial deadline, which ignored these concerns and contained only a discriminatory instrument against horizontal proliferation.

Our security environment has obliged us to maintain the nuclear option. We have exercised unparalleled restraint with respect to our nuclear option. Countries around us continue their weapons programmes either openly or in a clandestine manner. In such an environment, we cannot permit our option to be constrained or eroded in any manner as long as nuclear-weapon States remain unwilling to accept the obligation to eliminate their nuclear arsenals. Indian security interests, like those of all States, can be safeguarded only in a world free of nuclear weapons. This is a position which has and shall remain grounded in complete national consensus.

We were disappointed with the result of the negotiations but we were also aware that there were others who wanted to go ahead with such a treaty despite its shortcomings. We could have restrained ourselves from a move to oppose consensus and stepped aside to let the treaty go forward for adoption by those who so desired. But in full knowledge of our decision not to subscribe to the treaty, a provision was included which required India, among other countries, to sign and ratify the treaty in order for it to come into force. This is perceived by us as an attempt to restrain a voluntary sovereign right and to enforce obligations on India without its consent. Such a provision is unprecedented in multilateral negotiating practice and runs contrary to customary international law, which holds that a treaty does not create obligations for a third State without its consent. India repeatedly urged the Conference on Disarmament to modify this position and even proposed an alternative provision along the lines of the entry into force of the Chemical Weapons Convention. Other proposals which were made were only cosmetic in nature and did not address India's concern.

Finally, we were told that any modification would unravel the text. Yet the same text was modified to take into account the concerns of another country. We expected that our sovereign right not to subscribe to the treaty would have been respected as we respect the right of others to subscribe to it. The refusal of a very small group of countries to allow the change in the entry-into-force article left us with no choice but to express our dissent and to withhold consensus in the Conference on Disarmament. We did not seek to block a text from emerging from the Conference even though we did not agree with such a text. But we were deliberately thrust into a position in which we were left with no choice but to stop the transmittal of such a text, containing as it did a provision contrary to international law, a provision which we continue to view as coercive.

The result, and it is only fair that all nations be aware of it, is a text which is not a true comprehensive test-ban treaty. This text will not end all nuclear testing. This text will not stop the development and qualitative improvement of nuclear weapons. Instead, this text will only further sustain the present nuclear hegemony. It is a text which did not meet consensus in the Conference on Disarmament. This is not the treaty called for by the Non-Aligned Movement or the treaty called for by the General Assembly. It is a text which contains a provision contrary to international law and practice which will stand in the way of its entry into force. If that happens, the responsibility will lie not with India but with those countries that negotiated among themselves its critical aspects and insisted on retaining in it the clauses on entry into force.

India's commitment to the goal of eliminating nuclear weapons remains steadfast and undiminished. To this end, India has recently supported a proposal, containing the programme of action for the elimination of nuclear weapons within a finite time-frame, presented to the Conference on Disarmament by the overwhelming majority of non-aligned and neutral countries members of the Conference. We shall continue to strive with other like-minded nations to achieve the long-cherished goal of a world free of nuclear weapons.

Mr. Park (Republic of Korea): Ever since the General Assembly first considered the question of the cessation of nuclear testing, as early as its ninth session in 1954, the international community has made strenuous efforts to bring an end to nuclear testing. Indeed, this issue has continued to take centre stage in various disarmament debates and negotiations in both the General Assembly and the Geneva Conference on Disarmament.

One of the notable achievements to this end was the establishment of the Ad Hoc Committee on a Nuclear Test Ban of the Conference on Disarmament in 1993 to negotiate a universal and comprehensive nuclear-test-ban treaty, which, in the words of one General Assembly resolution, would contribute significantly

> "to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security". (*resolution 48/70, second preambular paragraph*)

As we have witnessed, the Ad Hoc Committee has made substantial progress, particularly in resolving several key outstanding issues. However, it is our deep regret that, despite two and a half years of intense and arduous multilateral negotiations, the Conference on Disarmament failed to reach a consensus on a draft text of a comprehensive test-ban treaty (CTBT). This unfortunate development was a sore disappointment for the international community, whose aspirations for a nuclear-weapon-free world were galvanized during the process of the CTBT negotiations.

The end of the cold war has provided us with a unique window of opportunity to realize the long-standing aspiration of mankind to end nuclear testing, which is finally within our grasp. The conclusion of the CTBT would be the first meaningful step towards nuclear disarmament and non-proliferation and the fulfilment of the obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.

While no one will argue that the draft text is without imperfections, my delegation is of the view that the text of a draft CTBT, contained in document A/50/1027, is the best available option at this time, since it is a product of compromise among different views and concerns which have emerged in the process of negotiations. Therefore, failure to adopt the draft text would be not only a major setback for the international disarmament and security agenda, but more importantly, a serious mistake and a shirking of our collective responsibility to leave the legacy of a nuclear-weapon-free world to our future generations.

While fully conceding the right of every member State to decide whether or not to sign and ratify a CTBT, we agree with the Australian delegation that the position of a handful of countries should not prevent the rest of the international community from adopting the treaty. Therefore, as one of the sponsors of the draft resolution on the table, my delegation urges all States to join in the efforts towards realizing our common goal of a treaty banning all nuclear test explosions for all time.

We are only at the beginning of a long and difficult road, but the decision to be made at this critical stage is integral to our endeavour to achieve the eventual worldwide abolition of nuclear weapons. We firmly believe that the adoption of the draft treaty will be greatly conducive to creating an important momentum for taking further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects.

In conclusion, I avail myself of this opportunity to assure the Assembly that the Government of the Republic of Korea will continue to make its contribution towards creating a nuclear-weapon-free world and thus looks forward to the adoption of the text of the CTBT and its opening for signature at the earliest possible date.

Mr. Akram (Pakistan): This comprehensive test-ban treaty (CTBT) has been eagerly awaited by the world for 40 years. Pakistan has consistently supported this objective. We believe an effective nuclear-test ban would be good for our region and good for the world.

By the first operative paragraph of the draft resolution in document A/50/L.78, introduced by the representative of Australia, the General Assembly would adopt the comprehensive nuclear-test-ban treaty circulated in document A/50/1027. This CTBT text is the product of two and half years of negotiations in the Conference on

Disarmament. Despite its acknowledged shortcomings and the reservations expressed by several delegations on some of its provisions, this CTBT text enjoyed a virtual consensus within the Conference on Disarmament. However, one State chose to veto the adoption of the treaty, to veto the transmission of the treaty to the General Assembly and to veto also a decision to report to the Assembly that the Conference on Disarmament was unable to achieve consensus on the CTBT.

The rule of consensus is designed to protect the legitimate security interests of States, not to thwart measures which are in the security interests of all States. The will of the international community having been frustrated, it is disingenuous to argue now against the procedure followed in the Australian draft resolution. As the philosopher Hegel wrote:

> "It is a matter of perfect indifference where a thing originated. The only question is: Is it true in and for itself?"

The responsibility for this unusual procedure — about which we too are unhappy — and for any erosion in the role and authority of the Conference on Disarmament must rest with the country which chose to block consensus in the Conference and not on the rest of the international community. We welcome the reaffirmation in Ambassador Butler's introductory statement of the Conference's role as the sole multilateral negotiating body.

Pakistan is not happy with certain provisions of the CTBT text in document A/50/1027. In the final stages, the negotiations lacked full transparency and the texts did not always reflect the outcome of negotiations. We will state our reservations and interpretations on the text after the vote.

Pakistan is aware that this test-ban treaty will not be truly comprehensive. We share the frustration of the non-nuclear States at the reluctance of some nuclear Powers to agree to more categorical commitments to the realization of nuclear disarmament. Pakistan also has serious concerns regarding the danger of the abuse of on-site inspections, especially on the basis of so-called national technical means.

Despite the shortcomings of the CTBT text, Pakistan is prepared to accept it as the basis for consensus and to have the Conference on Disarmament transmit it to the General Assembly for adoption. We are prepared to do so for two important reasons. First, we have been convinced that a ban on nuclear explosions will severely constrain the ability of nuclear-weapon States to improve their nuclear weapons and will prevent them from developing new and exotic nuclear weapons; and secondly, a nuclear-explosion ban will contribute significantly to nuclear non-proliferation. If accepted, it could decisively arrest further nuclear escalation in South Asia. It would fulfil the objectives of the bilateral test-ban treaty which Pakistan proposed to India in June 1987. In other words, if our aim is to promote nuclear disarmament and non-proliferation, this treaty is better than no treaty.

Pakistan is not surprised at the trenchant opposition of our neighbour to the CTBT. For over 30 years, Pakistan has warned the world of that country's nuclear ambitions. We did so when it acquired unsafeguarded nuclear facilities; we did so when it secretly diverted fissile material from these facilities to build bombs; we did so before it exploded its nuclear bomb in May 1974; and we have done so recently as it has turned to the development and deployment of short-, medium- and long-range nuclear-capable missiles.

Unfortunately, hypocrisy has been the hallmark of the nuclear posture of the country which blocked the CTBT in the Conference on Disarmament. Its bomb was called a "peaceful nuclear explosion", and its medium-range missile a "technology demonstrator". When Pakistan proposed the creation of a nuclear-weapon-free zone in South Asia and when the world community suggested bilateral or regional full-scope safeguards or bilateral or regional commitments against nuclear proliferation, we were all told that our neighbour could accept only global measures that also committed the nuclear-weapon States. The CTBT is such a global measure. This too has now been rejected. For us the reasons are fully evident. They are not derived from any moral commitment to global nuclear disarmament, with or without a time-bound framework.

When that country sponsored the 1993 General Assembly resolution proposing the initiation of negotiations on the CTBT, it did not propose to link the treaty to a commitment by the nuclear-weapon States to a time-bound framework for nuclear disarmament. Perhaps it expected others to block the treaty. Pakistan supports the conclusion of a time-bound programme for nuclear disarmament. We have joined with 27 other members of the Group of 21 to sponsor a proposal in the Conference on Disarmament outlining a programme of action for the elimination of nuclear weapons. But the proposal that nuclear Powers give a prior commitment to

a time-bound programme of nuclear disarmament as a precondition for the entry into force of a CTBT was obviously put forward by our neighbour with full confidence that it would be rejected. It is a transparent device to avoid a commitment to a nuclear-test-ban treaty, to veto a vital disarmament measure which has virtually universal support.

Today we have again heard that if the provision on entry into force is changed to exclude the requirement for its signature and ratification, our neighbour will give up its opposition to the Assembly's adoption of the treaty. This is perhaps the first time in history that a country has demanded an amendment to a treaty in order to be in a position not to sign it. The CTBT is a specific treaty with a specific requirement not to conduct nuclear explosions. To be effective and comprehensive, this treaty must foreclose the possibility of nuclear explosions being conducted by all the States that have the technical and legal capability to conduct such tests. There are eight such States: the five nuclear Powers and the three so-called "threshold" States. Their security interests are interlocking. If one of these States maintains the right to test, so will the others. They must all come into the treaty. Article XIV of the draft CTBT acknowledges this. It applies equally to 44 States. It does not force or oblige any of them to act contrary to their sovereign rights. To accept a formula in which one nuclear-capable State can opt out is to contemplate the possibility of a treaty coming into force whose parties do not include one or more of the eight nuclear-capable States. Such a treaty would be a farce.

The people of Pakistan, who have suffered discriminatory pressures and penalties for many years, were deeply shocked at the gestures and offers made by some major Powers to the opponent of the CTBT. These gestures did not appease; they did not prevent the veto. Instead, they strengthened the determination to kill the CTBT. Worse, they may have emboldened the nuclear militancy of that country.

Its Foreign Minister has said: "We have the right to test". All its leaders have asserted that they will keep the nuclear option open and could exercise this option. This was reaffirmed here several minutes ago. Ominously, the preparations made at Pokaran earlier this year for a second nuclear test have not been reversed. Two days ago, an influential nuclear strategist of that country threatened that, "if pushed to the wall" on the CTBT, that country may "really go nuclear".

For the record, I would again like to state that any step of nuclear escalation in our region will find a matching response by Pakistan to safeguard our security. We will not accept double standards or discrimination. We will not accept unilateral obligations and commitments.

The adoption of the CTBT should herald a new dawn in the history of the quest for nuclear disarmament. Instead, a dark sun has appeared over the skies of South Asia. The challenge posed by our neighbour is not only to the CTBT; it is a challenge to the international consensus for nuclear disarmament and non-proliferation.

Consistent with its long-standing policy and the position I have outlined, the Pakistan delegation will support the draft resolution proposed by Australia and other Member States in document A/50/L.78. However, in view of the concerns arising from the position and policies of our neighbour, Pakistan will not be in a position to respond to the call in paragraph 3 of the draft resolution to sign the treaty while these concerns continue to exist.

Mr. Powles (New Zealand): New Zealanders have worked for three decades for a permanent end to nuclear testing. We have sponsored resolutions every year in the General Assembly calling for a universal and effectively verifiable comprehensive nuclear-test-ban treaty (CTBT). In the past three sessions that call has been unanimous.

Last year, in consensus resolution 50/65, the Conference on Disarmament received a clear mandate from the General Assembly to conclude a comprehensive test-ban treaty, so as to enable its signature by the outset of the fifty-first session of the General Assembly.

The Conference's Ad Hoc Committee has done a commendable job. The treaty text that we are to adopt is the product of two and a half years' intensive negotiating effort. All five nuclear-weapon States are committed to sign and ratify this treaty. It is clear today, from the broad and overwhelming support that this resolution has attracted — with 126 cosponsors — that most members of the General Assembly recognize the final treaty text as the best that can be obtained, and consider that it serves their goal of bringing to an end all nuclear testing, for all time. They want the treaty adopted by the General Assembly and opened for signature as soon as possible.

We are, of course, aware that this treaty does not satisfy every country. It is regrettable that the treaty text

did not command consensus in the Conference on Disarmament, and that it could not be transmitted to the General Assembly in the normal fashion. That should not be seen as devaluing the excellent work the Conference has done in preparing the text of the treaty. Nor should it be seen as a precedent.

Today, in this Hall, all members of the international community have the opportunity to decide for themselves the merits of the treaty. The alternative — letting it languish in the records of the Conference on Disarmament — would bring the whole United Nations system, including the Conference, into disrepute. It would set back immeasurably international disarmament efforts.

The New Zealand Government and the New Zealand public will not accept that.

That is why New Zealand is a sponsor today of the draft resolution introduced by Australia, which, when adopted, will deliver to the international community a ban on nuclear-test explosions in all environments, for all time. The New Zealand Government has decided to sign the treaty as soon as it is opened for signature and to complete the necessary ratification processes as a matter of the highest priority. We appeal to all States, and in particular the nuclear-weapon States, to do likewise, so that from this month the world can be assured that testing has ceased permanently.

As the Marshall Islands, Chair of the South Pacific Forum, noted in its statement, that same appeal was issued by our Heads of State and Government in last week's South Pacific Forum communiqué. For South Pacific countries, nuclear testing was for too long a sorry chapter in the history of our region. That chapter was closed once and for all earlier this year, once all nuclear-weapon States signed the South Pacific Nuclear-Free Zone Treaty protocols. The people of the South Pacific now enjoy assurances of freedom from nuclear testing. The treaty we are about to adopt will give that assurance to all.

The adoption of this draft resolution and, with it, the CTBT draft treaty will mark the end of a long road in one respect. But while a long-sought goal in itself, a comprehensive test-ban treaty is also one of the first essential steps in a longer process that aims to secure a world ultimately free of all nuclear weapons.

Such a world is one step closer with an end to nuclear-test explosions. But we cannot and must not stop there.

The International Court of Justice has reminded us all of the solemn responsibility that derives from the Nuclear Non-Proliferation Treaty to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament. New Zealand will continue to look to the nuclear-weapon States to fulfil their obligations.

The nuclear-weapon-free world to which we aspire is well served by the adoption of the draft resolution before us today. It is a step that we urge all countries present in this Hall to support, with that larger goal in mind.

Mrs. Kurokochi (Japan): Mr. President, on behalf of the Government of Japan, I should like to extend my heartfelt gratitude to you for calling for this resumed session of the United Nations General Assembly. My delegation will spare no effort to cooperate with you as you discharge your important duties at this meeting of historic significance.

The Government of Japan has been strongly advocating a nuclear-test-ban treaty in the United Nations for decades, and it participated with determination in the negotiations on the comprehensive nuclear-test-ban treaty (CTBT) in Geneva.

The draft treaty text of the CTBT, which we have been seeking for such a long time, is finally before us. If we adopt this treaty now, we can make nuclear-test explosions illegal forever, in any environment. If we fail to do so, we will not have a CTBT in the foreseeable future. Therefore, the choice we are faced with is whether to have a CTBT or not.

The draft CTBT text is not a perfect one. I am fully aware that very few countries are entirely satisfied with it. We are sympathetic with those who ask why we cannot improve the text as we would like.

However, this is the only attainable text of a CTBT after two and a half years of negotiations. All five nuclear-weapon States, Pakistan and Israel, and a large majority of countries have expressed their support for this text. Any amendment to this text, or any other version of a draft CTBT, could not enjoy the support of all five nuclear-weapon States. If we do not support this draft treaty text, we will have nothing more than a "voluntary moratorium" by the nuclear-weapon States. We have before us the opportunity to have a legal commitment by these States to stop nuclear testing for all time.

The CTBT prohibits all nuclear-weapon-test explosions and all other nuclear explosions. This will constrain the development and the qualitative improvement of nuclear weapons and end the development of advanced new types of nuclear weapons. Once we have the CTBT and thus establish an international norm for the prohibition of nuclear testing, even a country remaining outside the treaty cannot ignore a significant political deterrence against such testing. The CTBT, in this way, contributes to nuclear disarmament and non-proliferation worldwide.

Last year, in resolution 50/65, the General Assembly called on the Conference on Disarmament to conclude a comprehensive nuclear-test-ban treaty. Regrettably, there was no consensus in the Conference on Disarmament to forward the negotiated treaty text on to the General Assembly.

However, in operative paragraph 6 of the same resolution, the General Assembly declares its readiness to resume consideration of this item, as necessary, before its fifty-first session in order to endorse the text of a comprehensive nuclear-test-ban treaty. The resolution does not mention that the General Assembly must endorse a text which was agreed upon in Geneva. It is clear that, with this resolution, the General Assembly commits itself to resuming its consideration, as necessary, regardless of the outcome of the negotiations at the Conference on Disarmament. And it is crystal clear that now is the time that the General Assembly must act.

In conclusion, Japan, as one of the sponsors of the draft resolution contained in document A/50/L.78, strongly urges all United Nations Member States to lend their support to that draft resolution and the draft treaty text contained in document A/50/1027.

Mr. Mabilangan (Philippines): It is to the credit of our Organization that it can find within itself the means to provide the world a choice that would have otherwise been denied it by solitary action. We appreciate the concerns that have been and will be expressed here and elsewhere that this agreement does not do enough towards achieving our ultimate goal of the total elimination of nuclear weapons.

True, there is still much to be done. The madness of the cold war caused much mistrust and created seemingly insurmountable divisions that continue to dominate our thinking. We agree that there is still much that should be done towards achieving the elimination of all nuclear weapons. We agree that we must continue to be vigilant and critical, if necessary, in this cause. However, we cannot agree that this cause is made any less significant by our action today. We cannot agree that the dedicated efforts of the international community in the name of disarmament can be negated by disagreement.

The comprehensive nuclear-test-ban treaty is an important step in our work towards the total elimination of nuclear weapons. It is part of our overall efforts towards this cause. It is one of the actions we are undertaking within the context of a world transformed.

We already see action on other fronts. Nuclear-weapon-free zones — the most recent of which are in South-East Asia and Africa — are covering our planet. Initiatives are being discussed on some linkages for cooperation among these zones. The recent opinion of the International Court of Justice gives us the opportunity, if not the added impetus, to talk about a nuclear-disarmament agreement.

Let the agreement brought before us in draft resolution A/50/L.78 be judged by the sovereign will of individual States when they choose whether or not to sign it. It is in this spirit that the Philippines is honoured to be a sponsor of the draft resolution.

Mr. De Silva (Sri Lanka): As we come to the end of the second half of this century, which has seen so much conflict and human suffering, we are witnessing epoch-making events in world history, in the sphere of both international politics and international security.

Not long after the invention of the nuclear bomb, and given an awareness of the dreadful effects of a nuclear holocaust, there commenced several attempts to grapple with the task of averting the catastrophic consequences of nuclear explosions. Thus began the equally historic process of seeking mechanisms that would prevent proliferation of these weapons through international agreement and nuclear disarmament.

Accordingly, proposals for banning nuclear-test explosions as a means of contributing to vertical and horizontal nuclear non-proliferation and bringing about nuclear disarmament with the final objective of the eventual elimination of all nuclear weapons have continued to be on the global agenda since the early 1950s. The call for an end to nuclear testing by the late Jawahar Lal Nehru in 1954 and the appeals of the leaders of the Non-Aligned Movement at their first summit in 1961, addressed to President Kennedy and Secretary Khrushchev — representing the two nuclear super-Powers

— were among the first initiatives taken by the non-nuclear-weapon States to contain the nuclear arms race, that was about to begin.

The years and decades since then stand witness to the endeavours of the international community in seeking to achieve that goal. The collateral measures in the early 1960s — which led to the conclusion of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water in 1963, the Treaty on the Non-Proliferation of Nuclear Weapons in 1968 and the Threshold Test Ban Treaty of 1974 — helped us realize what could be achieved in practical terms during those troubled times under difficult circumstances. These achievements can best be characterized as mere interim measures pending a multilateral agreement for banning the testing of nuclear weapons, for which negotiations commenced way back in 1958.

Regrettably, the political and security climate that prevailed during those times did not facilitate the successful conclusion of those negotiations. The end of the cold war and the resultant sea change in inter-State relations enabled the international community once again to devote its energies to realizing a comprehensive nuclear-test ban. In response to the call made by the international community to undertake multilateral negotiations for concluding a comprehensive nuclear-test-ban treaty, this Assembly, by its resolution 48/70, charged the Conference on Disarmament with the responsibility of negotiating such a treaty as a matter of urgent priority.

The Conference, in its capacity as the sole multilateral forum for negotiating disarmament matters, began its work in January 1994 by setting up an Ad Hoc Committee on a Nuclear Test Ban and mandating it to negotiate a universal and effectively verifiable comprehensive test-ban treaty. At its the fiftieth session, the General Assembly, by its resolution 50/65, and in its wisdom not stipulating a deadline, called upon the Conference to complete the final text of the treaty as soon as possible in 1996 in order to open it for signature at the commencement of the fifty-first session of the General Assembly.

For that purpose, it called upon the participants of the Conference on Disarmament to advance their work on the basis of the rolling text. It also declared its readiness to resume consideration of the item before the fifty-first session in order to endorse the text of a comprehensive nuclear-test-ban treaty.

From this it is clear that the General Assembly envisaged the Conference on Disarmament to be the sole multilateral negotiating forum in this task. Accordingly, in the normal course of events, it was the Conference on Disarmament which should have adopted the treaty text by consensus and transmitted it to this Assembly for endorsement. That expectation has unfortunately not been realized.

The report of the Ad Hoc Committee on a Nuclear Test Ban adopted by the Conference on Disarmament on 20 August indicates that there was no consensus at the Conference, either on the treaty text or its transmittal to the General Assembly for endorsement. This was due to the fact that, in the opinion of some delegates at the Conference on Disarmament, negotiations on the treaty text had not come to an end, in the sense that further work on the text was required.

As it turns out, the fiftieth session of the General Assembly has been resumed, citing paragraph 6 of General Assembly resolution 50/65, for the purpose not of endorsing a text, as originally envisaged, but of the Assembly itself adopting the text of a treaty brought before it on which the Conference on Disarmament had not been able to arrive at consensus.

My delegation considers the failure of the preamble of the treaty text to declare a firm and clear commitment to nuclear disarmament and the total elimination of all nuclear weapons to be a serious shortcoming. It has failed to harken to the call made at Cartagena last year by the Heads of State and Government of the non-aligned countries for the elimination of all nuclear weapons within a specific time-frame.

In this regard, it is appropriate to recall the commitment given by the nuclear-weapon States at the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in May 1995 to pursue in good faith negotiations on effective measures relating to nuclear disarmament. Moreover, the Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons delivered in July this year clearly stated:

> "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

The obligation, therefore, is not only to pursue negotiations but also to bring them to a successful conclusion. This has been held to be a responsibility of all States, not only the nuclear-weapon States. Despite these undertakings and the Advisory Opinion of the International Court of Justice, the Ad Hoc Committee failed to take into account and recognize an unequivocal commitment to nuclear disarmament in the preamble of the treaty text in an appropriate manner.

It is also necessary to refer to the limited scope of the provisions of article I. The mandate given to the Ad Hoc Committee was to negotiate a comprehensive test-ban treaty. The treaty before this Assembly falls short of being comprehensive in that it will not ban all nuclear weapons and other nuclear tests. Instead, it will only ban

> "any nuclear weapon test explosion or any other nuclear explosion", (*A/50/1027, p. 7*)

thereby leaving room for tests in laboratories and for sub-critical tests. As a result, the nuclear-weapon States are free to conduct certain types of tests for the purpose not only of ensuring the safety and reliability of existing nuclear weapons but also of improving them, as well as of developing a new generation of nuclear weapons to suit their needs. It is in this context that we should recall the report of the Canberra Commission on the Elimination of Nuclear Weapons released last month, which clearly states that nuclear weapons pose an intolerable threat to humanity and its habitat. Yet tens of thousands of such weapons remain in arsenals built up at an extraordinary time of deep antagonism. The Canberra Commission concludes that that time has passed, yet it is most disquieting to find assertions of their utility continuing to be made.

My delegation is of the view that article XIV, which alludes to specific States, and the ratification of which is an essential prerequisite for the treaty to come into force, is not a salutary provision. Given the publicly-declared intentions of certain States, it is in effect advance notice to States intending to become signatories that its coming into effect is most unlikely, if not a non-event. It is also tantamount to the creation of a veto power for the 44 named States over its ever coming into force. This is unprecedented in the history of treaty-making and derogates from the sovereign equality of States in this sphere.

Permit me to conclude my statement by adverting once again to the report of the Canberra Commission on the Elimination of Nuclear Weapons. The Commission concluded that

> "the opportunity now exists, perhaps without precedent or recurrence, to make a new and clear choice to enable the world to conduct its affairs without nuclear weapons and in accordance with the principles of the Charter of the United Nations."

As a State Party to the NPT and a country that has been closely associated with the difficult task of negotiating the treaty which is now before the Assembly, Sri Lanka fervently hopes that the dark clouds of fear, suspicion and apprehension of a nuclear conflagration that overhang the conduct of international relations will soon pass away and be gone forever. It is my country's earnest wish that the conclusion of this treaty, despite its shortcomings and weaknesses, will in time be the consummation of the common aspirations of the whole international community. We sincerely hope that its conclusion as an international treaty that in substance has been assiduously negotiated for the past two and a half years in Geneva, will prove to be a landmark event in our steadfast efforts to realize the long and cherished goal of a world free of nuclear weapons as we approach the dawn of the twenty-first century.

Mr. Berdennikov (Russian Federation) (*interpretation from Russian*): The Russian delegation attaches great significance to this plenary meeting of the General Assembly as it considers the item on a comprehensive test-ban treaty (CTBT). Russia supports the text of the CTBT contained in document A/50/1027, which is the outcome of long and difficult talks in Geneva.

From the outset, we would like to make it absolutely clear that the text of the treaty contained in that document is final and not subject to any alteration, although we, like other delegations, cannot say that we are entirely satisfied with all its provisions. Any amendment to the text would result in the breakdown of the treaty, as it would lead to counter-amendments which in their turn would engender amendments to counter-amendments and so on *ad infinitum*. The fact that this would happen is indicated by our experience of talks in Geneva. In this particular case, the saying "the better is the enemy of the good" could not be more apt. We hope that the vote in the General Assembly in favour of the draft resolution introduced by Australia will enable the world community to take this unique opportunity finally to conclude a comprehensive nuclear test-ban treaty.

It should be recalled that such a document has for many decades been the goal of the international

community. We believe that the treaty has several indisputable merits. First, it would forever liberate mankind from nuclear explosions in any environment. Secondly, it would be an effective contribution to strengthening the nuclear non-proliferation regime. It would mark the implementation by the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) of the decision taken at the NPT Review and Extension Conference last year. We are sure that this treaty will make it even more difficult for nuclear weapons to proliferate on earth.

Thirdly, the comprehensive and unlimited ban placed on all nuclear explosions undoubtedly will serve effectively to constrain the qualitative improvement of nuclear weapons and to preclude the appearance in arsenals of advanced new types of nuclear weapons.

Fourthly, the CTBT will become a new point of departure and will prove a major incentive to continuing the negotiating process in order to ensure the further reduction of nuclear weapons, with the ultimate goal of eliminating those weapons. We are convinced that the CTBT is a necessary stage in this process and that without it, it will be impossible to assume that even further-reaching agreements will be concluded.

However, a fact remains a fact. The Conference on Disarmament did not reach consensus on the draft of the CTBT; it was vetoed. Therefore we understand those States that, in this unprecedented situation, could not agree simply to consign the result of those many years of effort, including the CTBT, to the archives, and brought the treaty directly before the General Assembly to be judged by the entire international community. This step was forced by exceptional circumstances. Of course, any decision taken by the General Assembly on this matter should in no way be detrimental to the practice or the rules of procedure of the Conference on Disarmament, nor should it set any precedent for the work of the General Assembly or the Conference on Disarmament.

Mr. Wisnumurti (Indonesia): For more than three decades, the General Assembly has witnessed frustrating and endless debates in the efforts to conclude a comprehensive test-ban treaty (CTBT). The international community has always regarded the attainment of such a ban as being of paramount importance and having the highest priority. In fact, the goal of a CTBT has been our constant endeavour since the dawn of the nuclear age. It is in this context that we endorse the convening of the resumed session of the fiftieth session of the United Nations General Assembly to address the draft CTBT text now before us. We have also taken the unprecedented step of submitting a non-consensus text negotiated by the Conference on Disarmament to the General Assembly for endorsement. In my delegation's view, this should not constitute a precedent, as it would erode the role and credibility of that forum as the sole multilateral negotiating body on disarmament.

We are all aware of the critical role that testing has played in the quantitative development and qualitative improvement of nuclear weapons and in the unceasing nuclear arms race, with its potentially disastrous consequences. Successive meetings of non-aligned countries have not only called for the cessation of testing as a vital global objective to be pursued, but also emphasized that any activity relating to further research and development on nuclear arsenals or their production would be contrary to the spirit of a CTBT. Hence, General Assembly documents are replete with statements by Member States that have always held that a CTBT is a step that must be taken to prevent the development of a new generation of nuclear weapons and to achieve the eventual elimination of all nuclear weapons. That has also been the working premise in the General Assembly and the mandate of the Conference on Disarmament, as well as in other international endeavours towards a comprehensive ban on nuclear testing.

After more than two and half years of protracted and even tortuous negotiations, the Conference on Disarmament concluded the long-sought ban on nuclear testing, which can be attributed in large measure to the substantial compromises made by the non-nuclear States in the larger interests of the international community. Consequently, we have before us a less-than-perfect draft, which does not satisfy us in its essential aspects.

One obvious and major flaw is that it would allow the improvement of arsenals and related technologies through laboratory-scale nuclear testing. Numerous tests have provided the nuclear-weapon States with enough knowledge that they are no longer dependent upon explosions. We know now the reasoning behind the moratoriums and then the call for a CTBT. A treaty that permits technical loopholes for testing cannot be comprehensive, which has all along been the very *raison d'être* of a CTBT. As long as testing continues in any form or manner, the international community will be faced with the dangers attendant upon the proliferation and sophistication of nuclear weapons.

The draft also evades the question of nuclear disarmament, as if a CTBT were an end in itself and not predicated upon follow-up measures towards the elimination of all nuclear weapons. This cannot but be construed as yet another instrument intended to stem proliferation only in its horizontal aspect. Like the overwhelming majority of the international community, Indonesia can expect only that the CTBT would constitute a new basis for our pursuit of the objective of nuclear disarmament, as set forth in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Members may recall that that goal was affirmed by the 1995 Review and Extension Conference of the NPT, which called for systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of their eventual elimination. In the event that it does not materialize, we can conclude only that nuclear-weapon States are more concerned about their status as nuclear Powers and their intention to maintain their strategic postures.

The entry into force of the treaty also appears to be problematic. For it seeks, within a specific time-frame, the ratification of 44 signatories, including States that are deemed to be nuclear-capable. This has introduced an element of doubt and uncertainty and has placed the future of the treaty in jeopardy.

Notwithstanding these inherent weaknesses, it would be unrealistic to underestimate the importance of what was achieved in Geneva. Beyond a doubt, it has demonstrated the validity and relevance of multilateralism to nuclear-arms limitation. The conclusion of the treaty will also hopefully facilitate agreements on nuclear disarmament through the creation of an ad hoc committee under the auspices of the Conference on Disarmament, which we endorsed. Indeed, we fully agree with the view that a CTBT constitutes the litmus test for the willingness of States to halt the nuclear-arms race and to pursue nuclear disarmament. Failure, on the other hand, would have negative implications for disarmament, and we would have run the risk of delaying action into an uncertain future. Our collective experience in limiting armaments provides ample evidence that failure to seize an opportunity can result in regrettable delays.

Many countries throughout the world consider this resumed fiftieth session of the General Assembly as among the most important gatherings in the field of arms limitation and disarmament. The outcome of our endeavours will have profound implications for global peace and security. The draft text before us could have been improved to satisfy the critical interests of many Member States. We regret that it is not a consensus text. Although it is a step forward, it could unravel without universal support. We therefore call upon the nuclear Powers to forgo weapons development, which will assure non-nuclear nations of the intentions of sub-critical tests and experiments. It is also the responsibility of the nuclear Powers to put forward a credible and comprehensive programme of nuclear disarmament, to be negotiated under multilateral auspices. If in the foreseeable future, no concrete progress has been made on the objectives of stemming vertical proliferation and of nuclear disarmament, there will be a further erosion of the faith many countries have placed in the nuclear-weapon States. We must therefore clearly and unequivocally reaffirm our commitment to place ourselves on a path where, within a time-frame, we can achieve these common goals.

We have a great opportunity to begin a process that can restore the vision of a world without nuclear weapons. Given the critical nature of the lingering problems before us and their importance to the world, we are obligated to strive together to achieve the goals that we have set for ourselves. In view of these considerations, my delegation has decided to endorse the draft treaty now before us.

The President: We have heard the last speaker in the debate on this item for this meeting. We shall hear the remaining 15 speakers tomorrow morning at 10 o'clock in Conference Room 3.

The meeting rose at 6 p.m.